

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John I. Shipp et al.)
Serial No.: (Cont. of 10/082,927)) (Group Art Unit: 3732)
Filed: November 25, 2003) (Examiner: C. O'Connor)
For: LIGATION CLIP AND CLIP APPLIER)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the following listed documents are attached:

1. U.S. Patent No. 4,854,317, issued August 8, 1989 to Braun;
2. U.S. Patent No. 5,897,565, issued April 27, 1999 to Foster.

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 10/082,927, filed November 25, 2003, now U.S. Patent No. 6,652,539; and or Serial No. 09/258,943, filed March 1, 1999, now U.S. Patent No. 6,350,269, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: November 25, 2003

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Substitut f r FORM PTO-1449			Attorney Dock t Number 115.0003-03000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant John I. Shipp et al.		Application Numb r (Cont. 10/082,927)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>6</u>			Filing Date November 25, 2003		Group Art Unit (3732) Examin r (C. O'Connor)	
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	648,841	05/1900	Brosnan			
	1,458,797	06/1923	Beale			
	2,626,608	01/1953	Garland			
	2,874,384	02/1959	Krone			
	2,876,778	03/1959	Kees, Jr.			
	3,023,039	02/1962	Henningsen et al.			
	3,023,468	03/1962	Hord et al.			
	3,032,039	05/1962	Beaty			
	3,056,408	10/1962	Brown			
	3,098,232	07/1963	Brown			
	3,120,230	02/1964	Skold			
	3,274,658	09/1966	Pile			
	3,439,523	04/1969	Wood			
	3,363,628	01/1968	Wood			
	3,476,114	11/1969	Shannon et al.			
	3,518,993	07/1970	Blake			
	3,631,707	01/1972	Miller			
	3,675,688	07/1972	Bryan et al.			
	3,757,629	09/1973	Schneider			
	3,777,538	12/1973	Weatherly et al.			
	3,827,277	08/1974	Weston			
	3,827,438	08/1974	Kees, Jr.			
	3,882,854	05/1975	Hulka et al.			
	3,911,923	10/1975	Yoon			
	3,955,581	05/1976	Spasiano et al.			
	3,989,049	11/1976	Yoon			
	4,017,337	04/1977	Winter et al.			
	4,024,868	05/1977	Williams			

	4,027,510	06/1977	Hiltebrandt			
	4,038,987	08/1977	Komiya			
	4,064,881	12/1977	Meredith			
	4,086,926	05/1978	Green et al.			
	4,152,920	05/1979	Green			
	4,169,476	10/1979	Hiltebrandt			
	4,170,990	10/1979	Baumgart et al.			
	4,196,836	04/1980	Becht			
	4,217,902	08/1980	March			
	4,226,239	10/1980	Polk et al.			
	4,226,242	10/1980	Jarvik			
	4,241,734	12/1980	Kandel et al.			
	4,228,895	10/1980	Larkin			
	4,242,902	01/1981	Green			
	4,246,903	01/1981	Larkin			
	4,274,415	06/1981	Kanamoto et al.			
	4,299,224	11/1981	Noiles			
	4,317,451	03/1982	Cerwin et al.			
	4,340,061	07/1982	Kees, Jr. et al.			
	4,367,746	01/1983	Derechinsky			
	4,372,316	02/1983	Blake, III et al.			
	4,374,523	02/1983	Yoon			
	4,396,139	08/1983	Hall et al.			
	4,412,539	11/1983	Jarvik			
	4,418,694	12/1983	Beroff et al.			
	4,425,915	01/1984	Ivanov			
	4,427,008	01/1984	Transue			
	4,430,997	02/1984	DiGiovanni et al.			
	4,433,689	02/1984	Von Zeppelin			
	4,471,766	09/1984	Terayama			
	4,448,193	05/1984	Ivanov			
	4,450,839	05/1984	Transue			
	4,471,780	09/1984	Menges et al.			
	4,476,865	10/1984	Failla et al.			
	4,478,218	10/1984	Mericle			
	4,478,220	10/1984	Di Giovanni et al.			
	4,480,641	11/1984	Failla et al.			
	4,485,816	12/1984	Krumme			

	4,487,205	12/1984	Di Giovanni et al.			
	4,492,232	01/1985	Green			
	4,493,319	01/1985	Polk et al.			
	4,500,024	02/1985	DiGiovanni et al.			
	4,509,518	04/1985	McGarry et al.			
	4,512,345	04/1985	Green			
	4,527,562	07/1985	Mericle			
	4,550,715	11/1985	Santangelo et al.			
	4,556,058	12/1985	Green			
	4,556,060	12/1985	Perlin			
	4,557,263	12/1985	Green			
	4,562,839	01/1986	Blake, III et al.			
	4,570,633	02/1986	Golden			
	4,590,937	05/1986	Deniega			
	4,616,650	10/1986	Green et al.			
	4,616,651	10/1986	Golden			
	4,620,541	11/1986	Gertzman et al.			
	4,624,254	11/1986	McGarry et al.			
	4,637,395	01/1987	Caspar et al.			
	4,638,804	01/1987	Jewusiak			
	4,646,741	03/1987	Smith			
	4,658,822	04/1987	Kees, Jr.			
	4,660,558	04/1987	Kees, Jr.			
	4,662,373	05/1987	Montgomery et al.			
	4,665,906	05/1987	Jervis			
	4,671,278	06/1987	Chin			
	4,674,504	06/1987	Klieman et al.			
	4,696,396	09/1987	Samuels			
	4,702,247	10/1987	Blake, III et al.			
	4,706,668	11/1987	Backer			
	4,712,549	12/1987	Peters et al.			
	4,741,337	05/1988	Smith et al.			
	4,765,335	08/1988	Schmidt et al.			
	4,777,949	10/1988	Perlin			
	4,777,950	10/1988	Kees, Jr.			
	4,788,966	12/1988	Yoon			
	4,791,707	12/1988	Tucker			
	4,796,625	01/1989	Kees, Jr.			

	4,796,627	01/1989	Tucker			
	4,821,721	04/1989	Chin et al.			
	4,822,348	04/1989	Casey			
	4,834,096	05/1989	Oh et al.			
	4,844,066	07/1989	Stein			
	4,854,317	08/1989	Braun			
	4,858,608	08/1989	McGuilkin			
	4,869,268	09/1989	Yoon			
	4,919,152	04/1990	Ger			
	4,934,364	06/1990	Green			
	4,943,298	07/1990	Fujita et al.			
	4,944,443	07/1990	Oddsens et al.			
	4,950,258	08/1990	Kawai et al.			
	4,961,743	10/1990	Kees, Jr. et al.			
	4,966,603	10/1990	Focelle et al.			
	4,967,949	11/1990	Sandhaus			
	4,976,722	12/1990	Failla			
	4,979,950	12/1990	Transue et al.			
	4,983,176	01/1991	Cushman et al.			
	5,002,563	03/1991	Pyka et al.			
	5,026,379	06/1991	Yoon			
	5,030,226	07/1991	Green et al.			
	5,035,692	07/1991	Lyon et al.			
	5,037,433	08/1991	Wilk et al.			
	5,044,540	09/1991	Dulebohn			
	5,053,045	10/1991	Schmidt et al.			
	5,084,057	01/1992	Green et al.			
	5,100,420	03/1992	Green et al.			
	5,156,608	10/1992	Troidl et al.			
	5,156,609	10/1992	Nakao et al.			
	5,171,249	12/1992	Stefanchik et al.			
	5,192,288	03/1993	Thompson et al.			
	5,197,970	03/1993	Green et al.			
	5,207,692	05/1993	Kraus et al.			
	5,217,473	06/1993	Yoon			
	5,290,299	03/1994	Fain et al.			
	5,300,081	04/1994	Young et al.			
	5,340,360	08/1994	Stefanchik			
	5,342,373	08/1994	Stefanchik et al.			

	5,364,002	11/1994	Green et al.			
	5,366,134	11/1994	Green et al.			
	5,368,600	11/1994	Failla et al.			
	5,389,098	02/1995	Tsuruta et al.			
	5,395,381	03/1995	Green et al.			
	5,431,668	07/1995	Burbank, III et al.			
	5,431,669	07/1995	Thompson et al.			
	5,439,468	08/1995	Schulze et al.			
	5,474,567	12/1995	Stefanchik et al.			
	5,514,149	05/1996	Green et al.			
	5,527,318	06/1996	McGarry			
	5,527,319	06/1996	Green et al.			
	5,542,949	08/1996	Yoon			
	5,547,474	08/1996	Kloeckl et al.			
	5,593,414	01/1997	Shipp et al.			
	5,601,573	02/1997	Fogelberg et al.			
	5,601,574	02/1997	Stefanchik et al.			
	5,681,330	10/1997	Hughett et al.			
	5,700,270	12/1997	Peyser et al.			
	5,700,271	12/1997	Whitfield et al.			
	5,702,408	12/1997	Wales et al.			
	5,833,700	11/1998	Fogelberg et al.			
	5,843,097	12/1998	Mayenberger et al.			
	5,849,019	12/1998	Yoon			
	5,858,018	01/1999	Shipp et al.			
	5,897,565	04/1999	Foster			
	5,921,997	07/1999	Fogelberg et al.			
	5,993,465	11/1999	Shipp et al.			
	6,159,223	12/2000	Danks et al.			
	Re. 35,525	06/1997	Stefanchik et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	2143560	02/1995	Canada			N/A
	0 681 810	11/1995	Europe			
	2330182	01/1975	Germany			
	3722311	01/1989	Germany			Abstract Only
	3802651	08/1989	Germany			Abstract Only
	2071751	09/1981	Great Britain			N/A

	6-237939	08/1994	Japan			
	1389762	04/1988	Soviet Union			Abstract Only
	WO 87/06118	10/1987	WIPO			N/A
	WO 88/0148	03/1998	WIPO			
	WO 90/02522	03/1990	WIPO			N/A
	WO 90/03763	94/1990	WIPO			Abstract Only
	WO 95/05778	03/1995	WIPO			N/A
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						